IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.486 OF 2005

OFFICE NOTES, OFFICE MEMORANDUM OF CORAM, APPEARANCES, COURT'S ORDERS OR DIRECTIONS AND REGISTRAR'S ORDERS	COURT'S OR JUDGES ORDERS

Shri R.R.Mahagaonkar for the Appellant.
Shri S.A.Bhagwat for the Respondent No.1.

CORAM : A. S. OKA, J.
DATE : FEBRUARY 12, 2007.

P.C.:

1. This Appeal was heard on 16th January, 2007. During the course of hearing it was made clear to the Advocate for the Appellant that if the Appellant was in a position to deposit a substantial part of the decretal amount, a prayer for passing order of remand can be considered. To enable the Advocate for the Appellant to take instructions from the Appellant as regards deposit of the amount, the order was not passed on that day and the Appeal was kept on 29th January, 2007. On 29th January, 2007, again time was granted to the Advocate for the Appellant till 06th February, 2007. On 06th February, 2007, the Advocate for the Appellant who had argued the matter stated that the Appellant has engaged services of another Advocate.

Though no other Advocate could have appeared for the Appellant as the Appeal was fully heard, by way of indulgence I directed that the Appeal should be placed on production matter board on 07th February, 2007 at 3.00 p.m. On 07th February, 2007 none appeared. Again by way of indulgence the Appeal was kept today. I have heard the Advocate who has been newly appointed by the Appellant. He says that the Appellant is in position to deposit only a sum of Rs.50,000/-.

2. In my view, considering the facts and circumstances of the case, prayer for remand cannot be considered on deposit of only a sum of Rs.50,000/-. Therefore, I have heard the Appeal for admission.

3. Admit. Printing is dispensed with.

4. Private paperbook along with Decree Form shall be filed by the Appellant within a period of one year from today. If compliance is not made within stipulated time, the Appeal shall stand dismissed for want of prosecution without further reference to the Court.

JUDGE